

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

PHILIP CACURAK,)	
Petitioner,)	
)	2:17cv44
vs.)	Electronic Filing
)	
COMMONWEALTH OF PENNSYLVANIA)	
Respondent.)	

ORDER

AND NOW, this nd22 day of February, 2017, after the petitioner, Philip Cacurak, filed a petition for a writ of habeas corpus, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the petitioner a period of time after being served with a copy to file written objections thereto, and upon consideration of the objections filed by the petitioner, and upon independent review of the petition and upon consideration of the Magistrate Judge's Report and Recommendation (ECF No. 4), which is adopted as the opinion of this Court,

IT IS ORDERED that the petition for a writ of habeas corpus filed by petitioner (ECF No. 3) is dismissed for failure to exhaust available state court remedies and, because reasonable jurists could not conclude that a basis for appeal exists, a certificate of appealability is denied.

IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure if the petitioner desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.



David Stewart Cercone
United States District Judge

cc: Honorable Robert C. Mitchell
United States Magistrate Judge

Philip Cacurak
Indiana County Jail
665 Hood School Road
Indiana, PA 15701
(Via First Class Mail)